

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
E911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	
)	
)	

Second Subscriber Notification and Acknowledgement and Compliance Report

Lingo, Inc. ("Lingo"), an indirect wholly owned subsidiary of Primus Telecommunications Group, Inc., hereby submits this Second Subscriber Notification and Acknowledgement and Compliance Report in accordance with the Further Guidance provided by Enforcement Bureau of the Federal Communications Commission ("Commission") on August 26, 2005 ("Further Guidance").¹

I. INTRODUCTION.

As described in its August 10, 2005, Subscriber Notification and Compliance Report ("Initial Report"), Lingo provides residential and business voice over internet protocol ("VoIP") services with Emergency Calling Services ("ECS")² rather than traditional 911/E911 services. In order to comply with the Commission's Order,³ Lingo implemented a four (4) - pronged campaign to obtain acknowledgements of its 911 safety

¹ Public Notice, "Enforcement Bureau Provides Further Guidance to Interconnected Voice over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement," DA 05-2358 (rel. August 26, 2005).

² Lingo purchases its ECS from Intrado, a third-party provider.

³ *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116, 2005 WL 323217 (rel. Jun 3, 2005).

advisory (“Advisory”) from its existing customers, and incorporated the Advisory into the sign up process for all new customers.⁴ During the month of August, Lingo engaged in an aggressive e-mail and voicemail campaign to alert customers of the need to promptly review and acknowledge the Advisory. Although Lingo has seen an increase in its percentage of acknowledgements by over twenty percentage points, as of the date of this filing, Lingo has not received acknowledgements from 100% of its customers. Lingo is therefore submitting this Second Subscriber Notification and Compliance Report so that the Commission will continue to refrain from taking any enforcement action against Lingo as described in the Further Guidance.

II. LINGO’S UPDATES TO ITS INITIAL REPORT.

A. A detailed explanation regarding current compliance with the notice and warning sticker requirements if Lingo did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline.

As described in the Initial Report, Lingo distributed a warning sticker sheet with instructions,⁵ an introductory letter explaining the purpose of the mailing,⁶ and an informational pamphlet about emergency calling⁷ (“ECS/911 Pamphlet”) to all existing customers as of July 14, 2005 in a direct mail package sent on July 21, 2005. New customers that signed up after July 14, 2005, either acknowledged the Advisory as part of the sign up process or were otherwise notified to acknowledge the Advisory and were sent stickers via separate mailings. Since August 10, 2005, stickers are now provided to subscribers via different means, depending on whether the customer orders the CPE

⁴ New customers must acknowledge the Advisory as part of the sign up process and cannot receive service without doing so. See Initial Report, Section III(A) (2nd paragraph).

⁵ See Initial Report, Exhibit H.

⁶ See Initial Report, Exhibit F.

⁷ See Initial Report, Exhibit G.

directly from Lingo (“Direct Ship CPE”), or purchases the CPE from a third party provider (“Third Party CPE”).⁸

1. Stickers to Customers Purchasing Direct Ship CPE. For Direct Ship CPE, Lingo’s fulfillment center now affixes warning stickers to the CPE adaptor used to access the Lingo service before delivery. Lingo also has arranged for new customers receiving Direct Ship CPE to receive the CPE adaptor, appropriately labeled, additional stickers for the customer’s phone, and the ECS/911 Pamphlet in the CPE box.

2. Stickers to Customers Purchasing Third Party CPE.

(a) Third Party CPE Shipped Directly From Manufacturer. For those customers purchasing Third Party CPE that is shipped directly from the manufacturer, Lingo arranged with the CPE manufacturer to “repackage” current inventory within its control and to similarly repackage all future Lingo inventories. The manufacturer is now tasked with affixing the warning sticker to the CPE and including the ECS/911 Pamphlet and phone stickers in the CPE box shipped both to the customer and to any retailer.

(b) Third Party CPE Shipped from Retailer. With respect to the existing inventory that is outside of the CPE manufacturer’s control (i.e., already sent to the retailers for distribution), Lingo’s CPE manufacturer is negotiating with each retailer on Lingo’s behalf. Many of the retailers have already agreed to include the ECS/911 Pamphlet and sticker sheet (both phone and CPE stickers) with the shipping box sent to the customer. However, because not all retailers have agreed to include this information in the shipping box, Lingo is also directly

⁸ Lingo is the preferred VoIP provider for a specific manufacturer of CPE. Customers typically purchase the CPE from the manufacturer (or the manufacturer’s retail outlets) and then may order the actual service from Lingo.

sending those customers the stickers and the ECS/911 pamphlet on a daily basis. As an additional safeguard, stickers are available from Lingo's website for printing.⁹ Lingo is currently in the process of updating the two order-related e-mails¹⁰ to provide customers with a link to these warning labels, asking them to download and temporarily tape them to their CPE. Once the retailers sell the existing inventory, all new inventory will be pre-labeled and packaged by the manufacturer as described in section (A)(2)(a) above. Lingo will, however, maintain the website with the labels as a back up.

B. *A quantification of how many of Lingo's subscribers, on a percentage basis, have submitted an affirmative acknowledgement (as of September 1, 2005) and an estimation of the percentage of subscribers from which they do not expect to receive an acknowledgement by September 28, 2005.*

As of 11:50 p.m., August 31, 2005, Lingo has received affirmative acknowledgements from approximately ninety percent (90%) of its subscribers. This is an increase of twenty-four percentage points (24%) from Lingo's Initial Report. While Lingo continues to take a variety of steps to receive acknowledgments from 100 percent of its subscribers by September 28, 2005, Lingo estimates that it probably will not receive acknowledgements from approximately six percent (6%) of its subscriber base by September 28, 2005, based on current acceptance rates.

C. *A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the Advisory.*

⁹ http://www.lingosupport.com/e911_all_stickers.pdf

¹⁰ Specifically, the e-mail that is sent to a customer as soon as they sign up for an account on lingo.com which includes the details of their order, and the e-mail that is sent when a customer's account becomes active, approximately 1 hour after they sign up for service.

1. Customers That Currently Have Not Acknowledged the Advisory. In its Initial Report, Lingo described the strategy for contacting subscribers that had not acknowledged the Advisory. During the month of August, Lingo took the following actions:

Contact via E-mail. On August 3, 8, 11, 13, 15, 18, 21 and 24, reminder e-mails were sent to all customers that had not yet acknowledged the Advisory. (See Exhibit A2 for text of e-mail sent August 3 – 13, and Exhibit B2 for text of e-mail sent August 15 – 24). Beginning August 30, Lingo will send e-mail reminders to unresponsive customers every four (4) days. (See Exhibit G2).

Contact via Voicemail. Voicemails were sent to all Lingo customers on August 11, 2005, informing them of the Advisory and necessary acknowledgements. (See Exhibit C2). Reminder voicemails were sent to only those Lingo customers who had not acknowledged the Advisory on August 23, 2005. (See Exhibit D2).

Contact via Postcard. On August 17 and August 26, reminder postcards were sent via the U.S. Postal Service to customers who had not yet acknowledged the Advisory. (See Exhibit E2).

Contact via Outbound Calling. Outbound calling to customers that had not yet acknowledged the Advisory began ahead of schedule, on August 17, 2005. Each customer received approximately three (3) calls between the start of the calling campaign and the end of August. Customers were given the option to acknowledge the Advisory at that time using an interactive voice response system (“IVR”) (See Exhibit F2 for script).

Contacting Owners of Multiple Accounts. On August 26, 2005, Lingo sent an e-mail and a letter via the U.S. Postal Service to all customers with multiple accounts that had not yet acknowledged the Advisory, reminding them to acknowledge the Advisory for each of their multiple accounts. (See Exhibit K2 – text the same for e-mail and letter).

Contact via Lingo’s Customer Care Line. Lingo will continue playing a prerecorded message for all customers who contact the Lingo Customer Care department,¹¹ reminding customers about acknowledgement as well as the important differences between Lingo’s ECS service and traditional 911/E911 calling.

During the month of September, Lingo plans to take the following actions:

¹¹ See Initial Report, Exhibit N for script; see Exhibit I2 for script after September 1, 2005.

- Beginning September 1, 2005: Customers will be able to dial a toll free number to reach the IVR that will play a recording of the Advisory to the customer, and a voice verification will be conducted. This telephone number will be provided to customers via e-mail, voice messages, website and other means of contact. (See Exhibit H2 for script, or dial 1-866-546-4642 to listen).
- September 1, 2005: Lingo will update the message on the Customer Service line to give the number of the IVR and new deadline for acknowledgements. (See Exhibit I2).
- Beginning September 3, 2005: Lingo will continue to send a reminder e-mail to customers who have not acknowledged the Advisory every four (4) days. (See Exhibit G2).
- Week of September 5: Outbound calling will resume to customers who have not acknowledged the Advisory. Each customer will be contacted approximately once per week. (See Exhibit J2)
- September 5, 2005: Lingo website will be updated to provide the IVR telephone number.
- Week of September 12, 2005: Letters will be sent via U.S. Postal Service to all customers who have not submitted acknowledgements. These letters will include the option to sign and return a copy of the Advisory.

Lingo has a daily meeting to review strategy, and these proposed actions may be modified based on those meetings and the effectiveness of certain types of contact.

2. Customers That Have Not Acknowledged as of September 29, 2005. For customers that have not acknowledged the Advisory as of September 29, 2005, Lingo intends to take all actions legally required, including potentially suspending service.

D. A detailed description of any and all plans to use a “soft” or “warm” disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.

Lingo is currently exploring the options for a “soft” or “warm” disconnect procedure for subscribers that fail to provide an affirmative acknowledgement of the

Advisory by September 28, 2005 and does not know at this time whether it plans to use such a procedure. While the “soft” or “warm” disconnect should be theoretically feasible, Lingo is still vetting operational concerns associated with this type of disconnect.¹² Lingo will need to create additional code, test and accept the code, as well as plan and implement a ‘dress rehearsal,’ and train individuals to manually restore service¹³ once the customer has submitted the acknowledgement. From a technological standpoint, Lingo is concerned with overloading its server(s), which might lead to performance issues and/or render the Lingo platform temporarily inoperable, preventing all Lingo customers from making any calls.

Respectfully Submitted,

LINGO, INC.



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September 1, 2005

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¹² Lingo notes that there are a variety of other types of important emergency calls that are not routed through the 911 process (*e.g.*, poison control, Medic Alert, direct dial to hospital, a parent’s phone or pager, a child’s doctor, security alarms, etc.).

¹³ Lingo anticipates that the restoration of service will occur several hours after the suspended customer acknowledges the Advisory and informs Lingo of the acknowledgement.